



PUBLIC NOTICE

**Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554**

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**DA 02-1678
July 12, 2002**

**COMMENTS INVITED ON ACSI LOCAL SWITCHED SERVICES, INC., D/B/A
E.SPIRE COMMUNICATIONS, INC., APPLICATION TO DISCONTINUE
DOMESTIC TELECOMMUNICATIONS SERVICES**

Comp. Pol. File No. 594

Comments Due: July 26, 2002

Section 214 Application

Applicant: ACSI Local Switched Services Inc., d/b/a e.spire Communications, Inc.

On **July 3, 2002**, **ACSI Local Switched Services Inc., d/b/a e.spire Communications, Inc.**, and its operating affiliates (e.spire or Applicant) located at **12975 Worldgate Drive, Herndon, VA 20170**, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended,¹ to discontinue its domestic telecommunications services to certain customers in New York. In a previous application dated June 26, 2002 (Comp. Pol. File No. 592, Public Notice DA 02-1577, released July 2, 2002), e.spire advised that it was discontinuing service to certain customers in New York and all customers in Pennsylvania. Applicant further indicated that some customers in New York would be acquired by Thorn Communications LLC ("Thorn"). The purpose of the July 3, 2002 application is to advise the Commission that Thorn will not acquire any New York customers and that e.spire intends to discontinue its present service to them. According to the application, e.spire seeks authority to discontinue providing integrated local, long distance, international, data and Internet services to its 42 small and mid-sized business customers in New York, most of whom are either themselves carriers or are ISPs, with a handful of business customers.

In light of Thorn's inability to acquire e.spire's New York customers, e.spire, pursuant to section 63.71 of the Commission's Rules, sent a second notice to the affected customers on July 3, 2002.² This notice states that the anticipated date of termination of service will be August 3, 2002

¹ 47 U.S.C. § 214(a). *See also* 47 C.F.R. § 63.71.

² The earlier notice indicated that they would be transferred to Thorn.

or as soon thereafter as all regulatory approvals have been obtained. Accordingly, pursuant to the attached copy of the notice, e.spire advised its customers of the proposed discontinuance of service provided the name of other carriers from whom the customers to be disconnected may be able to arrange substitute service on mutually acceptable terms.

In accordance with section 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective.³ The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission's *ex parte* rules.⁴ Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **July 26, 2002**. Such comments should refer to **Comp. Pol. File No. 594**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. The original and four (4) copies of the comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. In addition, Comments should be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1196, Attention: John Adams

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room

³ 47 C.F.R. § 63.71(c).

⁴ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at **qualexint@aol.com**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, or John Adams (202) 418-0394 (voice), jkadams@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud

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